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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,310	12/01/2003	Satoshi Okano	KON-1837	2916
20311	7590	04/11/2005	EXAMINER	
MUSERLIAN, LUCAS AND MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			LE. HOA VAN	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,310

Applicant(s)

OKANO ET AL.

Examiner

Hoa V. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 18 January 2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This id in response to Paper filed on 18 March 2005.

- I. Applicants elect the invention of Group I, claims 1-11 without traverse being acknowledged. Accordingly, claim 12 is withdrawn from consideration.
- II. Applicants also elect the species of the general formula I being read on claims 1, 2 and 5-9 without traverse being acknowledged. Accordingly, claims 3, 4, 10 and 11 are withdrawn from consideration.
- III. Applicants' partial prior art submission filed on 18 January 2005 has been considered to the extent of the English language as provided.
- IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The elected invention of claims 1, 2 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuykendall et al (6,534,253) considered in view of Kamada et al (5,534,395).

Kuykendall et al disclose, teach and suggest a (combined function) bleach-fixing composition having a pH solution of from 4 to 10 and comprising up to 3 mol/l and up to 100 mol% of a silver ion bleachable (oxidizer-able) agent being ferrous ( $\text{Fe}^{2+}$ ) salt of an

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aminopolycarboxylic acid and up to 5 mol/l of a thiosulfate as a fixing (silver halide solvent) agent and conventional additives. Please see the whole disclosure of each of the applied references, especially in Kuykendall et al at col.10:56-67, 4:50-52, 5:43-44, 7:23-25 and 39-64, 8:9-31, Table 1.

Kuykendall et al disclose, teach and suggest the conventionally bleach-fixing additives but do not specify imidazole containing compounds as that in claim 1 and the general formula 1 in claim 2. However, Kamada et al at col.3:6-15 and discloses, teaches and suggests the use of from 0.02 to 2 mol/l of imidazole containing compounds in a bleach-fixing composition for the advantage of a whiteness improvement in a rapid process using a reduced amount of a bleach-fixing replenisher Table 13 and col.69:23-27.

Since the above references are all related to silver halide color photographic materials and their desilvering processes using the combined function bleach-fixing compositions to obtain stable color images, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite imidazole containing compound from Kamada et al for a reasonable expectation of obtaining a whiteness improvement in a rapid process using a reduced amount of a bleach-fixing replenisher as disclosed, taught, suggested and obtained in Kamada et al.

V. Vincent et al (6,582,893) is cumulative to the teachings and suggestions of the above applied Kuykendall.

VI. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le  
Primary Examiner  
Art Unit 1752

HVL  
06 March 2005

HOA VAN LE  
PRIMARY EXAMINER

